

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Aaron Rubenstein

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Miriam Tauber (Tauber Law, 885 Park Ave No. 2A, 323-790-4881);  
 David Lopez (David Lopez Esq., 171 Edge of Woods Road, PO Box 323, Southampton, NY 11968, 631-287-5520)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

RECOVERY OF SHORT-SWING PROFITS UNDER 15 U.S.C. § 78p(b)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time?  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 400 STATE	REAPPORTIONMENT
[ ] 130 MILLER ACT	LIAIBILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	[ ] 430 BANKS & BANKING	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	INJURY PRODUCT LIABILITY			[ ] 450 COMMERCE	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE				[ ] 460 DEPORTATION	
[ ] 152 RECOVERY OF DEFECTUAL STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY			[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 370 OTHER FRAUD			[ ] 480 CONSUMER CREDIT	
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING			[ ] 490 CABLE/SATELLITE TV	
[ ] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY						
[ ] 195 FRANCHISE	ACTIONS UNDER STATUTES					
	CIVIL RIGHTS					
	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[ ] 861 HIA (1395ff)		
		[ ] 385 PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)		
		PRODUCT LIABILITY	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIWC/DIWV (405(g))		
				[ ] 864 SSID TITLE XVI		
				[ ] 865 RSI (405(g))		
		PRISONER PETITIONS	[ ] 740 RAILWAY LABOR ACT		[ ] 890 OTHER STATUTORY ACTIONS	
		[ ] 463 ALIEN DETAINEE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)		[ ] 891 AGRICULTURAL ACTS	
		[ ] 510 MOTIONS TO VACATE SENTENCE				
		28 USC 2255				
		CIVIL RIGHTS	[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	
			[ ] 535 DEATH PENALTY	LITIGATION	[ ] 871 IRS-THIRD PARTY	
			[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	26 USC 7609	
REAL PROPERTY						
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING		IMMIGRATION			
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[ ] 462 NATURALIZATION			
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS	APPLICATION			
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS			
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE: \_\_\_\_\_

DEMAND \$ 500,000.00

OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN x IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ]1	DEF [ ]1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ]3 [ ]3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ]5	DEF [ ]5
CITIZEN OF ANOTHER STATE	[ ]2	[ ]2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]4 [ ]4	FOREIGN NATION	[ ]6	[ ]6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Aaron Rubenstein, 70 Vassaar Avenue, Providence, RI 02903 (Providence County)

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

HC2 Holdings, Inc. (Defendant) - 505 Huntmar Park Drive #325, Herndon, VA 20170 (Fairfax County); Novatel Wireless, Inc. (Nominal Defendant) - 9645 Scranton Road, Suite 205, San Diego, CA 92121 (San Diego County)

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

 YES (DATE ADMITTED Mo. Dec. 2008 Yr. 2008)  
 Attorney Bar Code # MT1979

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)